

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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SPL ACQUISITION CORPORATION,

Plaintiff,

v.

Case No. 08-CV-545

COLUMBIA CASUALTY COMPANY,

Defendant.

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**ORDER**

On June 25, 2008, plaintiff SPL Acquisition Corporation filed a complaint naming Columbia Casualty Company as defendant. The complaint alleges that defendant breached its contract with plaintiff and acted in bad faith; as a result, plaintiff seeks damages, attorneys fees, declaratory relief, and an injunction. Plaintiff paid the filing fee for this action, filed a certificate of interest, and refused to consent to proceeding before a magistrate judge. However, as of December 17, 2008, no answer to the complaint or other pleading by any party had been filed, nor did it appear that the defendant had been served with a summons and complaint or that defendant had waived such service. Accordingly, the court, pursuant to Fed. R. Civ. P. 4(m), entered an order notifying plaintiff that it had twenty (20) days to show good cause for failure to timely serve defendant.

On January 5, 2009, plaintiff responded to the court's order, explaining that on July 18, 2008, plaintiff had delivered copies of the summons and complaint to defendant's general counsel, as authorized by the insurance policy in question, and that the two parties had been working to resolve the case since that time. Plaintiff

anticipates an interim resolution of the case will be confirmed in the next thirty (30) days, and asks the court to extend the time for service for an additional thirty (30) days.

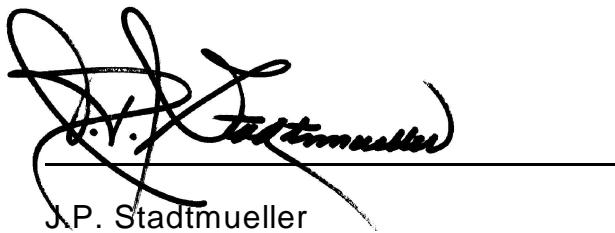
The court, satisfied with plaintiff's response, and cognizant of the general preferability that cases be resolved through negotiation rather than litigation, will grant plaintiff an additional thirty (30) days to formally serve the summons and complaint.

Accordingly,

**IT IS ORDERED** that plaintiff shall have thirty (30) days from the date of this order to serve defendant with a summons and complaint; if service is not effected or waived, the court will dismiss this action without prejudice.

Dated at Milwaukee, Wisconsin, this 22nd day of January, 2009.

BY THE COURT:



J.P. Stadtmauer  
U.S. District Judge